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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/923,737	08/06/2001	Michael C. Fischer	HP-10981124	2129

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EXAMINER

ORTIZ CRIADO, JORGE L

ART UNIT	PAPER NUMBER
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2655

DATE MAILED: 10/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/923,737

Applicant(s)

FISCHER ET AL.

Examiner

Jorge L Ortiz-Criado

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Taussig U.S. Patent No. 6,636,467.

Regarding claim 1, Taussig in discloses a disk-based data storage system, a method for synchronizing newly recorded data with previously recorded data (See col. 2, lines 11-28), comprising:

measuring a first difference between a wobble reference signal and a read clock of previously recorded data (See col. 2, lines 11-28; col. 5, lines 47-57; Fig. 5-530);

writing test data on a test track to measure a second difference between the wobble reference signal and the test data, the test data written synchronous with a write clock (See col. 5, lines 58-63; Fig. 5-540,542)

determining a delay offset by comparing the first difference and the second difference; and writing new data using the write clock and the delay offset such that the new data is synchronized with the previously recorded data (See col. 5, line 64 to col. 6 line 21; Fig. 5-544,546,548,550).

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Regarding claim 2, Taussig discloses writing the test data to the test track (See col. 5, lines 58-63; Fig. 5-540,542)

with the delay offset set to zero (See col. 5, lines 36-45);

reading the test data from the test track; subtracting the first difference from the second difference to determine the delay offset for the write clock calibration delay (See col. 5, line 58 to col. 6 line 21; Fig. 5-544,546,548,550)

Regarding claim 3, Taussig discloses inserting the delay offset into a wobble-to-laser path to cause the new data to have a same epoch as the previously recorded data (See col. 5, line 64 to col. 6 line 21; Fig. 5-548).

Regarding claim 4, Taussig discloses the step of checking whether an error value is within predetermined limits, wherein the error value is the difference between the first difference the second difference (See col. 5, line 64 to col. 6 line 21; Fig. 5-544,546,548,550).

Regarding claim 5, Taussig discloses adjusting the write clock in accordance with the error value, if the error value is outside the predetermined limits (See col. 5, line 64 to col. 6 line 21; Fig. 5-548).

Regarding claims 6-10, Method claims 1-5 are drawn to the method of using the corresponding storage system claims 6-10. Therefore method claims 1-5 correspond to storage system claims 6-10 and are rejected for the same reasons of anticipation as outlined above.

Regarding claim 11-15, Method claims 1-5 are drawn to the method of using the corresponding apparatus claims 11-15. Therefore method claims 1-5 correspond to apparatus claims 11-15 and are rejected for the same reasons of anticipation as outlined above.

Response to Arguments

3. Applicant's arguments filed 08/09/2004 have been fully considered but they are not persuasive.

Applicant's response to the rejection of claims 1-15, as unpatentable over Taussig.

Applicants argued that Taussig does not disclose or suggest the measuring a first difference between a wobble reference signal and **a read clock of previously recorded data**.

Applicants argue that Taussig appears use a "calibration data sequence" to adjust the phase instead.

The Examiner cannot concur because Taussig discloses measuring "a first difference/(**time offset/ phase difference**) between a wobble reference signal", which is the signal outputted from clock channel "484" in Fig. 4b (See col. 5, lines 17-21, lines 52-54; Fig. 4b) and **a read clock** of previously recorded data ("calibration data sequence").

When the disk has been previously written, the "**calibration data sequence previously recorded**", which is "**data previously recorded**" on the disk, is then read from the data channel "482" in Fig. 4b, and the first difference/(**time offset/ phase difference**) between a wobble reference signal and the **read clock** of previously recorded data/("**calibration data sequence previously**") is obtained, in steps "520" to "530" of Fig. 5, (See col. 5, lines 35-57),

Taussig measures the first difference/ **time offset** calculation, hence comparing the clock of the previously recorded calibration data sequence and the clock of the wobble reference signal. As, shown in Fig. 7, the clock of the wobble and the previously recorded calibration data sequence, are extracted in order to obtain the **time offset/ first difference**"

Conclusion

This is a continuation of applicant's earlier Application No.09/923,737. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

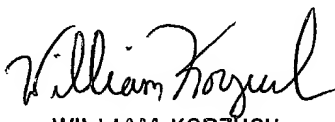
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jorge L Ortiz-Criado whose telephone number is (703) 305-8323. The examiner can normally be reached on Mon.-Thu.(8:30 am - 6:00 pm),Alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doris H To can be reached on (703) 305-4827. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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